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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,104	01/25/2002	Yasushi Takahashi	450101-02478	9637
20999	7590	04/06/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/914,104

Applicant(s)

TAKAHASHI, YASUSHI

Examiner

Ryan F Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/22/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-45 have been examined.

***Claim Rejections - 35 USC § 112***

2. Claims 13-16,29-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While the specification discloses, batched accounting and meter-rate accounting, no explanation of either method is taught nor are these methods well known. These claims have not been treated on the merits.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-12, 18-28,33-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Boreczky et al ("Boreczky", US 6,366,296).

As per claim 2, Boreczky discloses a video image replaying method capable of replaying a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 5 lines 39-49), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, the method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of the shots or the scenes constituting the feature video image and information specifying extracted shots or extracted scenes extracted from the shots or scenes at a threshold value setting a disclosure level (Column 12 lines 22-27, Column 7 lines 18-29); sequentially replaying the corresponding extracted shots or extracted scenes in the predetermined order constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 12 lines 22-27).

As per claim 3, Boreczky discloses a video image replaying method capable of replaying a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 5 lines 39-49), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, the method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of the shots or the scenes constituting the feature video image and an index value preset for each of the shots or for each of the scenes (Column 12 lines 40-45); determining the scene or the shot having the index value reaching a threshold value setting a disclosure level as an extracted shot or an extracted scene (Column 12 lines 56-61); and replaying an

extracted video image produced by connecting the corresponding extracted shots or extracted scenes in the predetermined order (Column lines 22-27).

As per claim 4, Boreczky discloses a video image replaying method, wherein the threshold value is changed in accordance with an instruction (Column 14 lines 12-19).

As per claim 5, Boreczky discloses a video image replaying method capable of replaying a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 5 lines 39-49), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, the method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of the shots or the scenes constituting the feature video image and an index value preset for each of the shots or for each of the scenes (Column 12 lines 40-45); displaying on a screen a graph of a value produced by sequentially integrating the index values of the respective shots or the respective scenes in the predetermined order (Column 12 lines 22-27); and when an arbitrary position on the graph is designated, sequentially replaying the feature video image after the designated position (Column 14 lines 20-30).

As per claim 6, Boreczky discloses a video image replaying method capable of replaying a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 5 lines 39-49), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, the method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of the shots or the

scenes constituting the feature video image, an index value preset for each of the shots or for each of the scenes (Column 12 lines 40-45), and information specifying an extracted shot or an extracted scene extracted from the shots or the scenes in accordance with a predetermined condition (Column 12 lines 40-45); displaying on a screen a graph of a value produced by sequentially integrating the index values of the respective shots or the respective scenes in the predetermined order (Column 12 lines 22-30); displaying marks indicating the extracted shot or the extracted scene on the graph (Column 12 lines 30-34, Column 14 lines 5-19); and when one of the displayed marks is designated, sequentially replaying the portion corresponding to the extracted shot or the extracted scene at and after the mark portion from the feature video image (Column 14 lines 20-30).

As per claim 7, Boreczky discloses a video image replaying method capable of replaying a feature video image constitute by connecting at least a plurality of shots or scenes in a predetermined order (Column 5 lines 39-49), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, the method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of the shots or the scenes constituting the feature video image and an index value preset for each of the shots or for each of the scenes (Column 12 lines 42-45), determining the scene or the shot having the index value reaching a designated threshold value as an extracted shot or an extracted scene (Column 12 lines 22-26,40-45); displaying on a screen a graph of a value produced by sequentially integrating the index values of the respective shots or

the respective scenes in the predetermined order (Figure 15); displaying marks indicating the extracted shot or the extracted scene on the graph (Figure 15); and when one of the displayed marks is designated, sequentially replaying the portion corresponding to the extracted shot or the extracted scene at and after the mark portion from the feature video image (Column 14 lines 20-30).

As per claim 8, Boreczky discloses the video image replaying method as claimed in claim 7, wherein the threshold value is changed in accordance with an instruction (Column 14 lines 12-19).

As per claim 9, Boreczky discloses a video image replaying method capable of replaying a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 5 lines 39-49), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, the method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of the shots or the scenes constituting the feature video image, an index value preset for each of the shots or for each of the scenes (Column 12 lines 42-45), and information specifying an extracted shot or an extracted scene extracted from the shots or the scenes in accordance with a predetermined condition (Column 12 lines 40-45); displaying on a screen a graph of a value produced by sequentially integrating the index values of the respective shots or the respective scenes in the predetermined order (Column 12 lines 22-27); displaying marks indicating the extracted shot or the extracted scene on the graph (Column 12 lines 0-34, Column 14 lines 5-19); when an arbitrary position on the

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graph is designated and replay of the feature video image is instructed, replaying the feature video image after the corresponding position (Column 14 lines 20-30), and when replay of the extracted shot or the extracted scene is instructed during the replay of the feature video image, switching to replay of the extracted shot for the extracted scene after the current position (Column 14 lines 20-30); and when one of the marks indicating the extracted shot or the extracted scene on the graph is designated and replay of the extracted shot or the extracted scene is instructed, replaying the extracted shot or the extracted scene after the corresponding position, and when replay of the feature video image is instructed during the replay, switching to replay of the feature video image after the current position (Column 14 lines 20-30).

As per claim 10, Boreczky discloses a video image replaying method capable of replaying a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 5 lines 39-49), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, the method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of the shots or the scenes constituting the feature video image and an index value preset for each of the shots or for each of the scenes (Column 12 lines 42-45), determining the scene or the shot having the index value reaching a designated threshold value as an extracted shot or an extracted scene (Column 12 lines 56-61); displaying on a screen a graph of a value produced by sequentially integrating the index values of the respective shots or the respective scenes in the predetermined order (Column 12 lines 22-27); displaying



marks indicating the extracted shot or the extracted scene on the graph (Column 12 lines 30-34, Column 14 lines 5-19); when an arbitrary position on the graph is designated and replay of the feature video image is instructed, replaying the feature video image after the corresponding position, and when replay of the extracted shot or the extracted scene is instructed during the replay of the feature video image, switching to replay of the extracted shot or the extracted scene after the current position (Column 14 lines 20-30); and when one of the marks indicating the extracted shot or the extracted scene on the graph is designated and replay of the extracted shot or the extracted scene is instructed, replaying the extracted shot or the extracted scene after the corresponding position, and when replay of the feature video image is instructed during the replay, switching to replay of the feature video image after the current position (Column 14 lines 20-30).

As per claim 11, Boreczky discloses a video image, wherein the threshold value is changed in accordance with an instruction (Column 14 lines 12-19).

12. The video image replaying method as claimed in claim 2, 3, 4, 5, 6, 7, 8, 9, 10 or 11, wherein the meta information has a plurality of pieces of information enabling specification of the shots or the scenes matched with the respective plural predetermined conditions (Column 14 lines 28-30), selection of desired information from the plurality of pieces of information is enabled (Column 14 lines 28-30), and the threshold value of the disclosure level is changed on the basis of the selected information (Column 14 lines 12-19), and an extracted video image extracted produced

by extracting the shot or the scene specified by the threshold value from the feature video image is replayed (Column 14 lines 12-19).

Claim 18 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 3, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 4, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to that of claim 6, and is therefore rejected under similar rationale.

Claim 23 is similar in scope to that of claim 7, and is therefore rejected under similar rationale.

Claim 24 is similar in scope to that of claim 8, and is therefore rejected under similar rationale.

Claim 25 is similar in scope to that of claim 9, and is therefore rejected under similar rationale.

Claim 26 is similar in scope to that of claim 10, and is therefore rejected under similar rationale.

Claim 27 is similar in scope to that of claim 11, and is therefore rejected under similar rationale.

Claim 28 is similar in scope to that of claim 12, and is therefore rejected under similar rationale.

Claim 33 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

Claim 34 is similar in scope to that of claim 3, and is therefore rejected under similar rationale.

Claim 35 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Claim 36 is similar in scope to that of claim 6, and is therefore rejected under similar rationale.

Claim 37 is similar in scope to that of claim 7, and is therefore rejected under similar rationale.

Claim 38 is similar in scope to that of claim 9, and is therefore rejected under similar rationale.

As per claim 39, Boreczky discloses a computer-readable recording medium having recorded thereon a program for causing a computer to function as: means for, on the basis of meta information (Column 12 lines 42-45) including recording position information of shots or scenes of a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 12 lines 22-27, Column 7 lines 18-29), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, and an index value preset for each of the shots or for each of the scenes (Column 12 lines 40-45),

determining the scene or the shot having the index value reaching a designated threshold value as an extracted shot or an extracted scene (Column 12 lines 56-61); means for displaying on a screen a graph of a value produced by sequentially integrating the index values of the respective shots or the respective scenes in the predetermined order (Column 12 lines 22-30); means for displaying marks indicating the extracted shot or the extracted scene on the graph (Column 12 lines 30-34, Column 14 lines 5-19); means for, when an arbitrary position on the graph is designated and replay of the feature video image is instructed, replaying the feature video image after the corresponding position (Column 14 lines 20-30); means for, when replay of the extracted shot or the extracted scene is instructed during the replay of the feature video image, switching to replay of the extracted shot or the extracted scene after the current position (Column 14 lines 20-30); means for, when one of the marks indicating the extracted shot or the extracted scene on the graph is designated and replay of the extracted shot or the extracted scene is instructed, replaying the extracted shot or the extracted scene after the corresponding position (Column 14 lines 20-30); and means for, when replay of the feature video image is instructed during the replay, switching to replay of the feature video image after the current position (Column 14 lines 20-30).

As per claim 40, Boreczky discloses a video image information recording method comprising the steps of: on the basis of meta information (Column 12 lines 42-45) including recording position information of shots or scenes of a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 12 lines 22-27, Column 7 lines 18-29), where a shot is a basic unit of a motion

picture image and a scene is a unit of a motion picture image containing at least one shot, and an index value preset for each of the shots or for each of the scenes, displaying a graph of a value produced by sequentially integrating the index values of the respective shots or the respective scenes in the predetermined order (Column 12 lines 22-27); and when an arbitrary position on the graph is designated and an instruction to determine the designated position on the graph as a position for inserting a marker is inputted (Column 12 lines 30-34), additionally recording at least the recording position information corresponding to the designated position on the graph as a marker position to the meta information (Column 12 lines 32-34).

Claims 41 and 42 are individually similar in scope to that of claim 40 and are therefore rejected under similar rationale.

As per claim 43, Boreczky discloses a video image replaying method comprising the steps of: on the basis of meta information (Column 12 lines 4-45) including recording position information of shots or scenes of a feature video image constituted by connecting at least a plurality of shots or scenes in a predetermined order (Column 12 lines 22-27, Column 7 lines 18-29), where a shot is a basic unit of a motion picture image and a scene is a unit of a motion picture image containing at least one shot, and information specifying at least one of the shots or at least one of the scenes as a marker position (Column 12 lines 28-35); retrieving the information specifying the marker position from the meta information when retrieval of the marker position is instructed (Column 12 lines 28-35); and replaying the video image from the recording position corresponding to the retrieved marker position (Column 14 lines 20-30).

Claims 44 and 45 are individually similar in scope to that of claim 43 and are therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boreczky et al ("Boreczky", US 6,366,296).

As per claim 1, Boreczky discloses a screen control method applied to a continuous video image display phase for displaying on a screen a feature video image consisting of continuous video images and an extracted video image display phase for sequentially displaying on the screen a plurality of sets of extracted video images obtained by extracting predetermined parts of the feature video image (Column 14 lines 20-30), the method comprising the steps of: displaying a first screen having at least a first video image display area, a first video image transition display area and a first switch input area, in the extracted video image display phase (Figure 1); displaying one of the plurality of sets of extracted video images replayed on the basis of a current video image recording position, in the first video image display area; displaying, in the first video image transition display area (Figure 1 item 1), a video image transition graph

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showing the transition of the video image recording position of the feature video image (Figure 1 item 3), a mark superimposed on the graph at the video image recording position corresponding to each of the extracted video images (Column 4 lines 54-57), and a cursor which constantly updates with the lapse of time the current video image recording position in the extracted video image currently displayed in the first video image display area (Column 4 lines 47-54) and which enables shift of the current video image recording position to an arbitrary video image recording position in an arbitrary one of the extracted video images (Column 4 lines 47-54); displaying in the first switch input area a first button which enables input of an instruction to shift from the first screen to a second screen displayed in the continuous video image display phase while cutting out and holding the current video image recording position (Column 5 lines 25-49); displaying a second screen having at least a second video image display area (Figure 1 item 1), a second video image transition display area and a second switch input area, in the continuous video image display phase ; displaying the feature video image replayed on the basis of the current video image recording position (Column 14 lines 20-30), in the second video image display area; displaying, in the second video image transition display area, a video image transition graph showing the transition of the video image recording position of the feature video image (Column 12 lines 22-27), and a cursor which constantly updates with the lapse of time the current video image recording position in the feature video image currently displayed in the second video image display area and which enables shift of the current video image recording position to an arbitrary video image recording position in the feature video image (Column 4 lines 47-

54); displaying in the second switch input area a second button which enables input of an instruction to shift from the second screen to the first screen displayed in the extracted video image display phase while cutting out and holding the current video image recording position(Column 5 lines 25-49); and shifting between the extracted video image display phase and the continuous video image display phase on the basis of each of the instructions inputted during the display of the first button or the second button, so as to display either the first screen or the second screen (Column 14 lines 20-30). Boreczky teaches switching the key playback controls 6-1,6-2,6-3 with an icon 9, but fails to distinctly point out two different screens. Therefore Official Notice is taken that the use of two similar display screens is well known in the art, developers often use two screens instead of one in order to reduce clutter on the screen and so that a main display screen is kept consistent throughout the interface. Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Boreczky with the current teaching. Motivation to do so would have been to provide a user with less screen clutter by using two display screens.

Claim 17 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-



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4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
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Patent Examiner

RFP

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